

AN ACT

relating to the building code standards for new residential construction in the unincorporated area of certain counties; affecting the prosecution of a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 233.155, Local Government Code, is amended to read as follows:

Sec. 233.155. ENFORCEMENT OF STANDARDS. (a) If proper notice is not submitted in accordance with Sections 233.154(b) and (c), the county may take any or all of the following actions:

(1) refer the inspector to the appropriate regulatory authority for discipline;

(2) in a suit brought by the appropriate attorney representing the county in the district court, obtain appropriate injunctive relief to prevent a violation or threatened violation of a standard or notice required under this subchapter from continuing or occurring; or

(3) refer the builder for prosecution under Section 233.157.

(b) If the notice the builder provided to the county under Section 233.154(c) does not indicate that the inspection showed compliance with the applicable building code standards, the county may take either or both of the actions under Subsections (a)(2) and (3).

1 SECTION 2. Section 233.157, Local Government Code, is
2 amended by amending Subsection (a) and adding Subsection (d) to
3 read as follows:

4 (a) A builder [~~person~~] commits an offense if:

5 (1) the builder [~~person~~] fails to provide proper
6 notice in accordance with Sections 233.154(b) and (c); or

7 (2) as provided by Section 233.155(b), the builder
8 does not provide notice under Section 233.154(c) that indicates
9 that the inspection showed compliance with the applicable building
10 code standards.

11 (d) It is an affirmative defense to prosecution for failure
12 to submit proper notice under Section 233.154(c) if the builder's
13 failure to submit a notice is the result of the failure of the
14 person who performed the inspection to provide appropriate
15 documentation to the builder for submission to the county.

16 SECTION 3. The changes in law made by this Act apply only to
17 new residential construction that commences on or after September
18 1, 2017. New residential construction that commences before
19 September 1, 2017, is governed by the law in effect immediately
20 before that date, and that law is continued in effect for that
21 purpose.

22 SECTION 4. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 2040 was passed by the House on May 4, 2017, by the following vote: Yeas 128, Nays 16, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2040 was passed by the Senate on May 19, 2017, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor